



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

June 29, 2007

IN REPLY REFER TO

HDA-CA

Document #: S50622

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, MS # 82
For Rachel Falsetti, Transportation Programming

Dear Mr. Kempton:

SUBJECT: FY 2007 FTIP Amendment No. 3 – Kern Council of Governments

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 3 to the KCOG Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated June 12, 2007. KCOG adopted Amendment No. 3 with Resolution 07-19 on May 17, 2007. With that action, the KCOG approved the program modifications and made the determination that KCOG's 2007 FTIP remains in conformity with the applicable State Implementation Plan for (SIP) for air quality.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2006/07 – 2009/10 Federal Statewide Transportation Improvement Program (FSTIP) for the KCOG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the KCOG's 2007 FTIP, through Amendment No. 3, was developed through a continuing, cooperative and comprehensive transportation planning process carried out with accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The primary purpose of KCOG's FTIP amendment No. 3 is to add a fourth year of programming to all projects in the current FTIP. This addition revises KCOG's 2006/07 – 2008/09 FTIP into the 2006/07 – 2009/10 FTIP. This approval does not constitute a compliance finding with the remainder of the SAFETEA-LU provisions, but constitutes approval and including of the KCOG's FTIP amendment No. 3 into California's 2006/07 – 2009/10 FSTIP. Based upon FHWA's understanding that gap closure analysis has been completed, KCOG will be able to continue to amend the 2006/07 – 2009/10 FTIP beyond the SAFETEA-LU implementation deadline of July 1, 2007.

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In our letter to KCOG dated June 29, 2007, the FHWA and FTA made a joint air quality conformity determination, pursuant to the transportation conformity provisions found in 40 CFR Part 93 section 122(g) for the amended FTIP and RTP. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that KCOG's 2007 FSTIP through Amendment No. 3 continues to conform to the applicable State Implementation Plan (SIP).

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements.

If you have questions or need additional information concerning our approval for this KCOG FSTIP amendment, please contact Scott Carson (scott.carson@fhwa.dot.gov) of the FHWA California Division office at (916) 498-5029.

Sincerely,

/s/ Steve Luxenberg

For
Gene K. Fong
Division Administrator

cc: (e-mail)

Karina O'Connor, EPA

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KCOG TIP Binder

SCarcon/ac